

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAWRENCE RICHARD STEELE,

Petitioner,

v.

US PAROLE COMMISSION, KEVIN
STRAITE, WARDEN MARION
FEATHER,

Respondents.

CASE NO. C16-5265 RBL-KLS

ORDER DENYING PETITIONER'S
MOTION FOR COUNSEL

Petitioner Lawrence Richard Steele seeks an order appointing counsel in his habeas proceeding. Dkt. 3. Having carefully considered the motion, the Court finds that it should be denied.

DISCUSSION

There is no constitutional right to the appointment of counsel in a federal habeas corpus proceeding. *McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). If an evidentiary hearing is required, the Court may appoint counsel for a petitioner who qualifies under 18 U.S.C. § 3006(A)(g). Rule 8(c), 28 U.S.C. foll. § 2254. The Court may also appoint counsel at an earlier stage of the proceedings if the interest of justice so requires.

1 U.S.C. § 3006(A); *see also* 21 U.S.C. 848(q); 28 U.S.C. § 2254(h); *Terrovona v. Kincheloe*, 912
2 F.2d 1176, 1181-82 (9th Cir. 1990); *Dillon v. United States*, 307 F.2d 445, 447 (9th Cir. 1962).
3 “In exercising its discretion, the district court should consider the legal complexity of the case,
4 the factual complexity of the case, and the petitioner’s ability to investigate and present his
5 claims, along with any other relevant factors.” *Hoggard v. Purkett*, 29 F.3d 469, 471 (8th Cir.
6 1994) (citing *Abdullah v. Norris*, 18 F.3d 571, 573 (8th Cir. 1994)).

7 Mr. Steele fails to show the appointment of counsel is necessary at this time. The motion
8 is at best premature. Respondent has not yet answered the petition, the Court has not determined
9 whether an evidentiary hearing is necessary, and Mr. Steele has not shown the case presents
10 complex legal or factual issues that would require the appointment of counsel in the interests of
11 justice.

12 Accordingly, the motion for appointment of counsel (Dkt. 3) is **DENIED**. The Clerk
13 shall send a copy of this Order to Petitioner and to counsel for Respondent.

14 DATED this 3rd day of May, 2016.

15
16 

17 Karen L. Strombom
18 United States Magistrate Judge
19
20
21
22
23
24